

JAN 28 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHIRLEY VENOYA REMMERT,

Plaintiff - Appellant,

v.

STATE OF CALIFORNIA; et al.,

Defendants - Appellees.

No. 08-17193

D.C. No. 08-cv-1694-MCE

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, District Judge, Presiding

Submitted January 20, 2009 **

Before: O'SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

A review of the record and appellant's response to this court's order to show cause indicates that the questions raised in this appeal are so insubstantial as not to

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court properly dismissed appellant's action against the state, state court and state judge for lack of jurisdiction. *See Greater Los Angeles Counsel on Deafness, Inc. v. Zolin*, 812 F.2d 1103, 1110 (9th Cir. 1987) (holding that suit against the Superior Court is an action against the State, barred by the Eleventh Amendment); *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978) (holding that a judge in his individual capacity is absolutely immune from § 1983 damages unless judicial acts were made in the clear absence of jurisdiction). Accordingly, we summarily affirm the district court's judgment.

Subsequent to this court's November 21, 2008 order denying appellant's emergency motion and directing her to show cause, appellant filed numerous motions and "Exhibit of Evidence" papers. Those motions are disposed as follows. The motion for reconsideration of the November 21, 2008 order is denied because the order provided that the court would not entertain reconsideration. To the extent appellant's motions seek relief in state court matters not properly before the court in this appeal, the court declines to entertain those motions. All other pending motions or requests are denied as moot.

AFFIRMED.